

Message Text

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TO AMEMBASSY GUATEMALA PRIORITY

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SUBJECT: HUMAN RIGHTS REPORT

1. FOLLOWING IS ARA APPROVED TEXT OF UNCLASSIFIED HUMAN RIGHTS REPORT ON WHICH IS SCHEDULED TO BE DELIVERED TO THE CONGRESS BY JANUARY 31. EARLIER EMBASSY INPUT WAS USEFUL AND APPRECIATED. FULL DEPARTMENTAL CLEARANCE STILL IN PROCESS, SO REPORT AT THIS STAGE SHOULD BE TREATED AS LOU SINCE IT MAY BE FURTHER MODIFIED. NO EMBASSY ACTION REQUIRED UNLESS EMBASSY DISCOVERS FACTUAL INACCURACIES. IN THAT EVENT, PLEASE CORRECT BY IMMEDIATE CABLE. FORMAT STYLE AND APPROXIMATE LENGTH DICTATED BY NEED FOR UNIFORMITY. REPORT SHOULD NOT BE DIVULGED OUTSIDE EMBASSY PENDING FURTHER INSTRUCTIONS.

2. BEGIN TEXT: CONDITION OF HUMAN RIGHTS IN GUATEMALA.

THE HIGH LEVEL OF PERSONAL AND POLITICAL VIOLENCE WHICH AFFLICTED GUATEMALA FROM 1966 TO MID-1974 HAS BEEN REDUCED
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MARKEDLY DURING THE LAUGERUD ADMINISTRATION (1974-78). THE LATTER IS THE FIRST IN RECENT GUATEMALAN HISTORY TO HAVE GONE MORE THAN THREE-FOURTHS OF ITS TERM WITHOUT IMPOSITION OF A STATE OF SIEGE. THE GOVERNMENT HAS GENERALLY SHOWN RESTRAINT DESPITE KIDNAPPING AND

ASSASSINATION OF GOVERNMENT OFFICIALS BY LEFTIST TERRORISTS.

IT HAS ALSO TAKEN SOME MEASURES AGAINST RIGHTIST VIOLENCE. ON THE OTHER HAND, THE GOVERNMENT HAS BEEN RESPONSIBLE FOR SOME VIOLATIONS OF HUMAN RIGHTS, PARTICULARLY IN THE RURAL GUERRILLA AREAS.

3. POLITICAL VIOLENCE TRADITIONALLY INCREASES DURING PRESIDENTIAL ELECTORAL PERIODS, AND THIS TREND WAS NOTED TO SOME EXTENT IN THE LATTER MONTHS OF 1977. PRESIDENT LAUGERU HAS CALLED IN THE LEADERS OF THE POLITICAL PARTIES TO EXHORT THEM TO DISCOURAGE PARTISAN VIOLENCE DURING THE CAMPAIGN. HIS EFFORTS HAVE HELPED TO LIMIT SUCH VIOLENCE.

4. THE GOVERNMENT OF GUATEMALA IS NOW IN THE PROCESS OF RATIFYING THE INTER-AMERICAN CONVENTION ON HUMAN RIGHTS. FOREIGN MINISTER MOLINA HAS SUPPORTED CREATION OF THE OFFICE OF UN HIGH COMMISSIONER FOR HUMAN RIGHTS.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREE-DOM FROM:

A. TORTURE

TORTURE OF ALLEGED SUBVERSIVES HAS OCCURRED WITH FREQUENCY I GUATEMALAN HISTORY. DURING 1966-72, TORTURE, SUMMARY EXECUTIONS, AND DEATH-SQUAD ACTIVITIES WERE CHARACTERISTIC O BLOODY CLASHES BETWEEN SECURITY FORCES AND LEFTIST LIMITED OFFICIAL USE

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GUERRILLAS.

AFTER THE SUBSTANTIAL DEFEAT OF THE INSURGENT MOVEMENT IN THE EARLY 1970'S, AND PARTICULARLY SINCE THE LAUGERUD ADMINISTRATION HAS TAKEN OFFICE, SUCH INCIDENTS HAVE DECREASED AND THERE HAVE BEEN FEW RECENT ALLEGATIONS OF TORTURE. UNDERLINED: THE AMNESTY INTERNATIONAL REPORT 1977 END UNDERLINED: ACKNOWLEDGED A "CONSIDERABLE DROP IN URBAN AREASIN THE POLITICAL VIOLENCE OF THE DEATH SQUADS - TORTURE KILLINGS AND SIMPLE 'DISAPPEARANCES' AFTER ABDUCTION BY GOVERNMENTAL OR PAR-GOVERNMENTAL ARMED GROUPS - SINCE JANUARY 1977."

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT SUCH TREATMENT AND PUNISHMENT ARE LEGALLY PROHIBITED. BUT ABUSES OCCUR, PARTICULARLY DURING INTERROGATIONS OF THOSE SUSPECTED OF SUBVERSIVE ACTIVITY OR ACTUAL TERRORISM. REPORTS OF SUCH ABUSES HAVE DECLINED IN RECENT YEARS. ACTS OF POLITICAL AND PERSONAL VIOLENCE BY BOTH PRIVATE PARTIES AND LOCAL OFFICIALS ARE STILL RELATIVELY COMMON IN RURAL AREAS AND OFTEN PROVOKE LITTLE RESPONSE FROM THE CENTRAL GOVERNMENT. THE UNDERLINED: AMNESTY INTERNATIONAL REPORT 1977 END UNDERLINED. ASSERTS THAT "THE POOR RURAL POPULA-

TION CONTINUES TO SUFFER ABUSE BOTH FROM OFFICIAL AND SEMI-OFFICIAL ARMED GROUPS."

C. ARBITRARY ARREST OR IMPRISONMENT

ARREST AND SHORT-TERM DETENTION WITHOUT DUE PROCESS STILL OCCURRED DURING 1977 IN CONNECTION WITH PERSONS SUSPECTED OF SUBVERSIVE ACTIVITIES. THERE WERE NO REPORTED CASES OF LENGTHY DETENTION WITHOUT INDICTMENT OR TRIAL IN 1977.

D. DENIAL OF FAIR PUBLIC TRIAL

MOST CASES OF SUSPECTED SUBVERSION HAVE NOT BEEN HANDLED BY THE COURTS. MOST SUSPECTS HAVE BEEN RELEASED AFTER SHORT LIMITED OFFICIAL USE

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PERIODS OF DETENTION AND INTERROGATION. WHEN BROUGHT TO TRIAL, SUSPECTS HAVE RECEIVED A FAIR HEARING.

E. INVASION OF THE HOME

INVASIONS OF THE HOME HAVE OCCURRED PARTICULARLY IN RURAL AREAS IN THE COURSE OF ANTI-TERRORIST SWEEPS BY SECURITY FORCES.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

SIGNIFICANT GAINS IN LIVING STANDARDS AND MIDDLE CLASS EXPANSION HAVE BEEN MADE OVER THE LAST 20 YEARS, PARTICULARLY AMONG URBAN INDUSTRIAL AND SERVICE WORKERS. BUT SEVERE SOCIAL AND ECONOMIC INEQUALITIES STILL EXIST. THE TAX SYSTEM IS REGRESSIVE IN MANY RESPECTS AND THE RATE OF TAX COLLECTION AS A PERCENTAGE OF THE GNP IS THE SECOND LOWEST IN THE HEMISPHERE. PROXIMITY TO GUATEMALA CITY OR TO THE DEPARTMENT SEATS LARGELY DETERMINES AVAILABILITY OF THE MOST IMPORTANT SOCIAL SERVICES.

THE GOVERNMENT IS ATTEMPTING TO INCREASE INVESTMENTS IN RURAL AREAS AND HAS SOLICITED LOANS FROM INTERNATIONAL DONORS FOR EXPANSION OF RURAL HEALTH SERVICES, PRIMARY AND SECONDARY EDUCATION FACILITIES, AGRICULTURAL CREDIT, AND SUPPORT OF COOPERATIVES. THE GOVERNMENT'S HANDLING OF PROBLEMS CREATED BY THE 1976 EARTHQUAKE HAS BEEN A MAJOR SUCCESS. WITH THE ASSISTANCE OF THE US AND OTHER DONOR COUNTRIES, THE GUATEMALAN GOVERNMENT HAS WORKED EFFECTIVELY TO RESTORE SHELTER AND BASIC SOCIAL SERVICES TO THE HARDEST-HIT HIGHLAND AREAS.

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3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND ASSEMBLY

THERE IS FREEDOM OF SPEECH, PRESS, AND RELIGION. NEWSPAPERS CRITICIZE GOVERNMENT OFFICIALS AND POLICIES. LARGE POLITICAL DEMONSTRATIONS AND PARADES ARE SUBJECT TO REGULATION BY THE MINISTRY OF INTERIOR. LABOR UNIONS ARE FREE UNDER LAW TO ORGANIZE, BUT THERE ARE FEW STRONG, INDEPENDENT UNIONS.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

THERE IS NO PRACTICE OF RESTRICTING INTERNATIONAL OR NATIONAL TRAVEL, OR OF EMIGRATION. HOWEVER, TRAVEL TO AND FROM SOME RURAL GUERRILLA AREAS HAS AT TIMES BEEN RESTRICTED.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

FOR THE PAST TWO DECADES GUATEMALAN POLITICS HAVE BEEN DOMINATED BY THE MILITARY WITHIN A CONSTITUTIONAL FRAMEWORK PROVIDING FOR REGULAR ELECTIONS AND CIVILIAN CONTROL BELOW THE TOP LEVEL. SOME OPPOSITION PARTIES ARE PERMITTED TO FUNCTION. ACCORDING TO MANY OBSERVERS, THE 1974 ELECTION WAS ACCOMPANIED BY SUBSTANTIAL FRAUD THEREBY PREVENTING THE VICTORY OF A CHRISTIAN DEMOCRATIC CANDIDATE. THE INCUMBENT PRESIDENT HAS PUBLICLY PROMISED A FAIR ELECTION IN MARCH 1978. CANDIDATES FOR CONGRESS AND PRESIDENT MAY ONLY BE PRESENTED BY THE FOUR DULY INSCRIBED

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POLITICAL PARTIES, AND INSCRIPTION OF POLITICAL PARTIES HAS TRADITIONALLY BEEN AN ARDUOUS AND PROTRACTED PROCESS. THE ELECTORAL REGISTRY IS HEADED BY A GOVERNMENT APPOINTEE. DESPITE A LONG WAITING LIST, NO NEW PARTIES HAVE BEEN INSCRIBED IN RECENT YEARS. THE COMMUNIST PARTY IS ILLEGAL.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING
INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF
ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE AMERICAN CONVENTION ON HUMAN RIGHTS HAS GONE TO
THE GUATEMALAN CONGRESS FOR RATIFICATION. THE
GUATEMALAN GOVERNMENT HAS SUPPORTED THE CREATION OF
A POST OF UN HIGH COMMISSIONER FOR HUMAN RIGHTS. CHRISTOPHER

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